

AMENDED IN SENATE MAY 5, 2005
AMENDED IN SENATE APRIL 21, 2005
AMENDED IN SENATE APRIL 5, 2005

SENATE BILL

No. 719

Introduced by ~~Senator Romero~~ *Senators Romero and Margett*

February 22, 2005

An act to amend Section 13955 of the Government Code, to amend Section 13519.8 of the Penal Code, and to amend Sections ~~1656.3~~ *2800.1, 2800.2, 2800.3, 14602.1, and 17004.7* of, *and to add Sections 1666.1 and 2911 to,* ~~and to repeal and add Section 14602.1 of,~~ the Vehicle Code, relating to vehicles, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 719, as amended, Romero. Police pursuits.

(1) Existing law provides for compensation to crime victims, as specified, from the Restitution Fund, a continuously appropriated fund.

This bill would include as qualifying as a crime victim for those purposes, injury or death caused by any party where a peace officer is operating a motor vehicle in an effort to apprehend a suspect, and the suspect is evading, fleeing, or otherwise attempting to elude the peace officer.

By expanding the uses of a continuously appropriated fund, this bill would make an appropriation.

(2) Existing law requires the Commission on Peace Officer Standards and Training to implement a course or courses of instruction for the training of law enforcement officers in the handling of high-speed vehicle pursuits and to develop uniform, minimum

guidelines for adoption by California law enforcement agencies for response to high-speed vehicle pursuits, as specified. Existing law expresses the intent of the Legislature that all local law enforcement agencies adopt those guidelines as a minimum for the agency's pursuit policy.

This bill, instead, would require each law enforcement agency to adopt, promulgate, and require regular and periodic training consistent with an agency's specific pursuit policy that, at a minimum, complies with the commission's guidelines.

By imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program.

(3) Existing law specifies certain content for the California Driver's Handbook and examinations for a driver's license.

This bill would require the Department of Motor Vehicles ~~to include in the handbook information as to the risks and punishments associated with eluding a pursuing peace officer's motor vehicle and, upon updating the handbook, to include at least one question in each test any of the tests~~ of an applicant's knowledge and understanding to verify that the applicant has an understanding of the risks and punishments associated with eluding a pursuing peace officer's motor vehicle.

(4) *Existing law makes it a misdemeanor, punishable by imprisonment in a county jail not exceeding 6 months, for any person while operating a motor vehicle to intentionally evade and willfully flee or otherwise attempt to evade a pursuing peace officer's motor vehicle or bicycle under certain conditions.*

This bill would make that offense a misdemeanor punishable by imprisonment in a county jail not exceeding one year. By increasing the punishment for a crime, this bill would impose a state-mandated local program.

(5) *Existing law makes it a misdemeanor punishable by imprisonment in a county jail for not more than one year, or a felony punishable by imprisonment in the state prison, or by a fine of not less than \$1,000 nor more than \$10,000, or by both the fine and imprisonment for any person who commits the offense described in (4) above in a willful or wanton disregard for persons or property.*

This bill instead would make this offense punishable by imprisonment in the state prison for 2, 3, or 4 years or by imprisonment in a county jail for not more than one year with the same fine as prescribed above.

(6) Existing law makes it a misdemeanor punishable by confinement in a county jail for not more than one year or a felony punishable by imprisonment in the state prison for 3, 4, or 5 years or a specified fine for any person who commits the offense described in (4) above and proximately causes serious bodily injury, as defined, or death to any person.

This bill would increase the term of imprisonment in the state prison as follows:

(a) A term of 3, 5, or 7 years or the specified fine or both the fine and imprisonment where the offense involves serious bodily injury.

(b) A term of 4, 6, or 10 years in the state prison where the offense involves a death.

(7) Existing law establishes the California Traffic Safety Program, to include state and local programs, as specified.

This bill would require all traffic safety programs that receive state funds and that include public awareness campaigns involving emergency vehicle operations to include in the public awareness campaign, information on the risks to public safety of peace officer motor vehicle pursuits, and the penalties that may result from evading a peace officer.

~~(5)~~

(8) Existing law requires each state and local law enforcement agency to report to the Department of the California Highway Patrol, on a form approved by the department, certain specific vehicle pursuit data, including, but not limited to, certain required data.

This bill ~~instead~~ would require the department to develop and approve a standard police pursuit reporting paper or electronic form; would expand the scope of the that includes additional data that must be included, and would require that the report be made to the department no later than 30 days following a police pursuit, thereby imposing a state-mandated local program by increasing the level of services imposed on local law enforcement agencies.

~~(6)~~

(9) Existing law provides that any public agency employing peace officers that adopts a written policy on vehicular pursuits, as specified, shall be immune from liability for civil damages for personal injury to or death of any person or damage to property resulting from the collision of a vehicle being operated by an actual or suspected violator of the law who is being has been, or believes he or she is being or has been pursued by a peace officer employed by the public entity in a

motor vehicle. Existing law makes the adoption of a vehicle pursuit policy pursuant to these provisions discretionary.

This bill, *for civil immunity purposes*, would make adoption, promulgation, and *provision for* regular and periodic training pursuant to a vehicle pursuit policy mandatory *if a public agency employs peace officers to drive emergency vehicles and authorizes vehicle pursuits*. The bill would revise the minimum standards required for a policy.

(10) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. ~~(a)~~ The Legislature finds and declares the
- 2 following:
- 3 (a) Thousands of crime suspects flee each year often resulting
- 4 in law enforcement officers in California engaging in motor
- 5 vehicle pursuits. Many pursuits result in accidents, property
- 6 damage, serious injuries, and death to innocent third parties,
- 7 peace officers, and fleeing suspects.

(b) Motor vehicle pursuits of fleeing suspects present inescapable and inherent risks that sometimes offend public sensibilities.

(c) According to statistics from the National Highway Safety Administration, California has consistently led the nation in the past 20 years in fatalities from crashes involving these pursuits.

(d) California leads the nation in the number of innocent bystanders killed in these pursuits. A study by the National Highway Traffic Safety Administration indicates that in 2003 there were 46 deaths in California that resulted from high speed police pursuits of fleeing suspects. ~~Thirteen~~ *Twelve* of the 46 deaths were innocent bystanders. ~~Eighteen were passengers in the pursued vehicle and 15 were fleeing suspects.~~ *vehicle, 15 were fleeing suspects, and one was a peace officer.*

(e) Pursuit driving is a dangerous activity that must be undertaken with due care and with the understanding of specific risks as well as the need for a realistic proportionate response to apprehend a fleeing suspect who poses a danger to the public.

(f) Current law provides that a person operating a motor vehicle who is negligent in its operation may be liable for civil damages pursuant to Section 17150 of the Vehicle Code.

~~(f)~~

(g) The primary function of all law enforcement agencies is to protect the public against personal injury, death, or property damage.

~~(g)~~

(h) It is, therefore, the intent of the Legislature to enact legislation that guides instances where law enforcement pursuits are warranted so as to protect the public safety, lives, and property of the people of the State of California.

~~(h)~~

(i) It is also the intent of the Legislature to decrease peace officer *motor vehicle* pursuits through public education, enforcement, and regular and periodic training of peace officers.

~~(i)~~

(j) It is also the intent of the Legislature in enacting this act to eliminate any unnecessary risks that evolve from peace officer *motor vehicle* pursuits, and to ensure that law enforcement pursuits are conducted in the safest and most effective approach throughout California.

1 SEC. 2. Section 13955 of the Government Code is amended
2 to read:

3 13955. Except as provided in Section 13956, a person shall
4 be eligible for compensation when all of the following
5 requirements are met:

6 (a) The person for whom compensation is being sought is any
7 of the following:

8 (1) A victim.

9 (2) A derivative victim.

10 (3) A person who is entitled to reimbursement for funeral,
11 burial, or crime scene cleanup expenses pursuant to subdivision
12 (i) of Section 13957.

13 (b) Either of the following conditions is met:

14 (1) The crime occurred within the State of California, whether
15 or not the victim is a resident of the State of California. This
16 paragraph shall apply only during those time periods during
17 which the board determines that federal funds are available to the
18 State of California for the compensation of victims of crime.

19 (2) Whether or not the crime occurred within the State of
20 California, the victim was any of the following:

21 (A) A resident of the State of California.

22 (B) A member of the military stationed in California.

23 (C) A family member living with a member of the military
24 stationed in California.

25 (c) If compensation is being sought for a derivative victim, the
26 derivative victim is a resident of California, or resident of another
27 state, who is any of the following:

28 (1) At the time of the crime was the parent, grandparent,
29 sibling, spouse, child, or grandchild of the victim.

30 (2) At the time of the crime was living in the household of the
31 victim.

32 (3) At the time of the crime was a person who had previously
33 lived in the household of the victim for a period of not less than
34 two years in a relationship substantially similar to a relationship
35 listed in paragraph (1).

36 (4) Is another family member of the victim, including, but not
37 limited to, the victim's fiancé or fiancée, and who witnessed the
38 crime.

39 (5) Is the primary caretaker of a minor victim, but was not the
40 primary caretaker at the time of the crime.

1 (d) The application is timely pursuant to Section 13953.

2 (e) (1) Except as provided in paragraph (2), the injury or
3 death was a direct result of a crime.

4 (2) Notwithstanding paragraph (1), no act involving the
5 operation of a motor vehicle, aircraft, or water vehicle that results
6 in injury or death constitutes a crime for the purposes of this
7 chapter, except when the injury or death from such an act was
8 any of the following:

9 (A) Intentionally inflicted through the use of a motor vehicle,
10 aircraft, or water vehicle.

11 (B) Caused by a driver who fails to stop at the scene of an
12 accident in violation of Section 20001 of the Vehicle Code.

13 (C) Caused by a person who is under the influence of any
14 alcoholic beverage or drug.

15 (D) Caused by a driver of a motor vehicle in the immediate act
16 of fleeing the scene of a crime in which he or she knowingly and
17 willingly participated.

18 (E) Caused by a person who commits vehicular manslaughter
19 in violation of subdivision (c) of Section 192 or Section 192.5 of
20 the Penal Code.

21 (F) Caused by any party where a peace officer is operating a
22 motor vehicle in an effort to apprehend a suspect, and the suspect
23 is evading, fleeing, or otherwise attempting to elude the peace
24 officer.

25 (f) As a direct result of the crime, the victim or derivative
26 victim sustained one or more of the following:

27 (1) Physical injury. The board may presume a child who has
28 been the witness of a crime of domestic violence has sustained
29 physical injury. A child who resides in a home where a crime or
30 crimes of domestic violence have occurred may be presumed by
31 the board to have sustained physical injury, regardless of whether
32 the child has witnessed the crime.

33 (2) Emotional injury and a threat of physical injury.

34 (3) Emotional injury, where the crime was a violation of any
35 of the following provisions:

36 (A) Section 261, 262, 271, 273a, 273d, 285, 286, 288, 288a,
37 288.5, or 289, or subdivision (b) or (c) of Section 311.4, of the
38 Penal Code.

1 (B) Section 270 of the Penal Code, where the emotional injury
2 was a result of conduct other than a failure to pay child support,
3 and criminal charges were filed.

4 (C) Section 261.5 of the Penal Code, and criminal charges
5 were filed.

6 (D) Section 278 or 278.5 of the Penal Code, where the
7 deprivation of custody as described in those sections has endured
8 for 30 calendar days or more. For purposes of this paragraph, the
9 child, and not the nonoffending parent or other caretaker, shall be
10 deemed the victim.

11 (g) The injury or death has resulted or may result in pecuniary
12 loss within the scope of compensation pursuant to Sections
13 13957 to 13957.9, inclusive.

14 SEC. 3. Section 13519.8 of the Penal Code is amended to
15 read:

16 13519.8. (a) (1) The commission shall implement a course
17 or courses of instruction for the regular and periodic training of
18 law enforcement officers in the handling of high-speed vehicle
19 pursuits and shall also develop uniform, minimum guidelines for
20 adoption and promulgation by California law enforcement
21 agencies for response to high-speed vehicle pursuits. The
22 guidelines and course of instruction shall stress the importance of
23 vehicle safety and protecting the public at all times, include a
24 regular assessment of law enforcement's vehicle pursuit policies,
25 practices, and training, and recognize the need to balance the
26 known offense and the need for immediate capture against the
27 risks to officers and other citizens of a high-speed pursuit. These
28 guidelines shall be a resource for each agency executive to use in
29 the creation of a specific pursuit policy that the agency shall
30 adopt and promulgate, *and* that reflects the needs of the agency,
31 the jurisdiction it serves, and the law.

32 (2) As used in this section, "law enforcement officer" includes
33 any peace officer of a local police or sheriff's department or the
34 California Highway Patrol, or of any other law enforcement
35 agency authorized by law to conduct vehicular pursuits.

36 (b) The course or courses of basic training for law
37 enforcement officers and the guidelines shall include adequate
38 consideration of each of the following subjects:

39 (1) When to initiate a pursuit.

40 (2) The number of involved law enforcement units permitted.

1 (3) Responsibilities of primary and secondary law
2 enforcement units.

3 (4) Driving tactics.

4 (5) Helicopter assistance.

5 (6) Communications.

6 (7) Capture of suspects.

7 (8) Termination of a pursuit.

8 (9) Supervisory responsibilities.

9 (10) Blocking, ramming, boxing, and roadblock procedures.

10 (11) Speed limits.

11 (12) Interjurisdictional considerations.

12 (13) Conditions of the vehicle, driver, roadway, weather, and
13 traffic.

14 (14) Hazards to uninvolved bystanders or motorists.

15 (15) Reporting and postpursuit analysis.

16 (c) (1) All law enforcement officers who have received their
17 basic training before January 1, 1995, shall participate in
18 supplementary training on high-speed vehicle pursuits, as
19 prescribed and certified by the commission.

20 (2) Law enforcement agencies shall include, as part of their
21 advanced officer training program, periodic updates and training
22 on high-speed vehicle pursuit. The commission shall assist where
23 possible.

24 (d) (1) The course or courses of instruction, the learning and
25 performance objectives, the standards for the training, and the
26 guidelines shall be developed by the commission in consultation
27 with appropriate groups and individuals having an interest and
28 expertise in the field of high-speed vehicle pursuits. The groups
29 and individuals shall include, but not be limited to, law
30 enforcement agencies, police academy instructors, subject matter
31 experts, and members of the public.

32 (2) The commission, in consultation with these groups and
33 individuals, shall review existing training programs to determine
34 the ways in which high-speed pursuit training may be included as
35 part of ongoing programs.

36 (e) Each law enforcement agency shall adopt, promulgate,
37 and require regular and periodic training consistent with an
38 agency's specific pursuit policy that, at a minimum, complies
39 with the guidelines developed under subdivision (a).

1 ~~SEC. 4. Section 1656.3 of the Vehicle Code is amended to~~
2 ~~read:~~

3 ~~1656.3. (a) The department shall include within the~~
4 ~~California Driver's Handbook, as specified in subdivision (b) of~~
5 ~~Section 1656, language regarding the following:~~

- 6 ~~(1) Rail transit safety.~~
7 ~~(2) Abandonment or dumping of any animal on a highway.~~
8 ~~(3) The risks and punishments associated with eluding a~~
9 ~~pursuing peace officer's motor vehicle.~~

10 ~~(b) In order to minimize costs, the language referred to in~~
11 ~~paragraph (2) or (3), or both, of subdivision (a) shall be initially~~
12 ~~included at the earliest opportunity when the handbook is~~
13 ~~otherwise revised or reprinted.~~

14 ~~SEC. 5. Section 1666.1 is added to the Vehicle Code, to read:~~

15 ~~1666.1. The department shall include at least one question in~~
16 ~~each test, as administered under Section 12804.9, of an~~
17 ~~applicant's knowledge and understanding of this code to verify~~
18 ~~that the applicant has an understanding of the risks and~~
19 ~~punishments associated with eluding a pursuing peace officer's~~
20 ~~motor vehicle.~~

21 ~~SEC. 4. Section 1666.1 is added to the Vehicle Code, to read:~~

22 ~~1666.1. Upon updating the California Driver's Handbook,~~
23 ~~the department shall include at least one question in any of the~~
24 ~~tests, as administered under Section 12804.9, of an applicant's~~
25 ~~knowledge and understanding of this code, to verify that the~~
26 ~~applicant has an understanding of the risks and punishments~~
27 ~~associated with eluding a pursuing officer's motor vehicle.~~

28 ~~SEC. 5. Section 2800.1 of the Vehicle Code is amended to~~
29 ~~read:~~

30 ~~2800.1. (a) Any person who, while operating a motor vehicle~~
31 ~~and with the intent to evade, willfully flees or otherwise attempts~~
32 ~~to elude a pursuing peace officer's motor vehicle, is guilty of a~~
33 ~~misdemeanor punishable by imprisonment in a county jail for not~~
34 ~~more than one year if all of the following conditions exist:~~

35 ~~(1) The peace officer's motor vehicle is exhibiting at least one~~
36 ~~lighted red lamp visible from the front and the person either sees~~
37 ~~or reasonably should have seen the lamp.~~

38 ~~(2) The peace officer's motor vehicle is sounding a siren as~~
39 ~~may be reasonably necessary.~~

40 ~~(3) The peace officer's motor vehicle is distinctively marked.~~

1 (4) The peace officer's motor vehicle is operated by a peace
2 officer, as defined in Chapter 4.5 (commencing with Section 830)
3 of Title 3 of Part 2 of the Penal Code, and that peace officer is
4 wearing a distinctive uniform.

5 (b) Any person who, while operating a motor vehicle and with
6 the intent to evade, willfully flees or otherwise attempts to elude
7 a pursuing peace officer's bicycle, is guilty of a misdemeanor
8 *punishable by imprisonment in a county jail for not more than*
9 *one year* if the following conditions exist:

10 (1) The peace officer's bicycle is distinctively marked.

11 (2) The peace officer's bicycle is operated by a peace officer,
12 as defined in paragraph (4) of subdivision (a), and that peace
13 officer is wearing a distinctive uniform.

14 (3) The peace officer gives a verbal command to stop.

15 (4) The peace officer sounds a horn that produces a sound of at
16 least 115 decibels.

17 (5) The peace officer gives a hand signal commanding the
18 person to stop.

19 (6) The person is aware or reasonably should have been aware
20 of the verbal command, horn, and hand signal, but refuses to
21 comply with the command to stop.

22 *SEC. 6. Section 2800.2 of the Vehicle Code is amended to*
23 *read:*

24 2800.2. (a) If a person flees or attempts to elude a pursuing
25 peace officer in violation of Section 2800.1 and the pursued
26 vehicle is driven in a willful or wanton disregard for the safety of
27 persons or property, the person driving the vehicle, upon
28 conviction, shall be punished by imprisonment in the state prison;
29 *for two, three, or four years* or by ~~confinement~~ *imprisonment* in
30 the county jail for not less than six months nor more than one
31 year. The court may also impose a fine of not less than one
32 thousand dollars (\$1,000) nor more than ten thousand dollars
33 (\$10,000), or may impose both that imprisonment or ~~confinement~~
34 and fine.

35 (b) For *the* purposes of this section, a willful or wanton
36 disregard for the safety of persons or property includes, but is not
37 limited to, driving while fleeing or attempting to elude a pursuing
38 peace officer during which time either three or more violations
39 that are assigned a traffic violation point count under Section
40 12810 occur, or damage to property occurs.

1 *SEC. 7. Section 2800.3 of the Vehicle Code is amended to*
2 *read:*

3 2800.3. (a) Whenever willful flight or attempt to elude a
4 pursuing peace officer in violation of Section 2800.1 proximately
5 causes ~~death or~~ serious bodily injury to any person, the person
6 driving the pursued vehicle, upon conviction, shall be punished
7 by imprisonment in the state prison for three, ~~four~~ five, or ~~five~~
8 seven years, by imprisonment in ~~the~~ a county jail for not more
9 than one year, or by a fine of not less than two thousand dollars
10 (\$2,000) nor more than ten thousand dollars (\$10,000), or by
11 both that fine and imprisonment.

12 ~~For~~
13 (b) *Whenever willful flight or attempt to elude a pursuing*
14 *peace officer in violation of Section 2800.1 proximately causes*
15 *death to a person, the person driving the pursued vehicle, upon*
16 *conviction, shall be punished by imprisonment in the state prison*
17 *for a term of 4, 6, or 10 years.*

18 (c) *Nothing in this section shall preclude the imposition of a*
19 *greater sentence pursuant to Section 190 of the Penal Code or*
20 *any other provisions of law applicable to punishment for an*
21 *unlawful death.*

22 (d) *For the purposes of this section, “serious bodily injury”*
23 *has the same meaning as defined in paragraph (4) of subdivision*
24 *(f) of Section 243 of the Penal Code.*

25 ~~SEC. 6.~~

26 *SEC. 8. Section 2911 is added to the Vehicle Code, to read:*

27 2911. All traffic safety programs that receive state funds and
28 that include public awareness campaigns involving emergency
29 vehicle operations shall include in the public awareness
30 campaign, information on the risks to public safety of peace
31 officer motor vehicle pursuits, and the penalties that may result
32 from evading a peace officer.

33 *SEC. 9. Section 14602.1 of the Vehicle Code is amended to*
34 *read:*

35 14602.1. (a) Every state and local law enforcement agency,
36 including, but not limited to, city police departments and county
37 sheriffs’ offices, shall report to the Department of the California
38 Highway Patrol, on a *paper or electronic form developed and*
39 *approved by that department the Department of the California*

1 *Highway Patrol, all motor vehicle pursuit data, which shall*
2 *include, but not be limited to, all of the following:*

3 *(b) Effective January 1, 2006, the form shall require the*
4 *reporting of all motor vehicle pursuit data, which shall include,*
5 *but not be limited to, all of the following:*

6 ~~(a)~~

7 *(1) Whether any person involved in a pursuit or a subsequent*
8 *arrest was injured, specifying the nature of that injury. For all*
9 *purposes of this section, the form shall differentiate between the*
10 *suspect driver, a suspect passenger, and the peace officers*
11 *involved.*

12 ~~(b)~~

13 *(2) The violations which that caused the pursuit to be initiated.*

14 ~~(c)~~

15 *(3) The identity of the peace officers involved in the pursuit.*

16 ~~(d)~~

17 *(4) The means or methods used to stop the suspect being*
18 *pursued.*

19 ~~(e)~~

20 *(5) The most serious charges filed with the court by the district*
21 *attorney, other than those charges originating from the pursuit.*

22 *(6) The conditions of the pursuit, including, but not limited to,*
23 *all of the following:*

24 *(A) Duration.*

25 *(B) Mileage.*

26 *(C) Number of peace officers involved.*

27 *(D) Maximum number of law enforcement vehicles involved.*

28 *(E) Time of day.*

29 *(F) Weather conditions.*

30 *(G) Maximum speeds.*

31 *(7) Whether a pursuit resulted in a collision, and a resulting*
32 *injury or fatality to an uninvolved third party, and the*
33 *corresponding number of persons involved.*

34 *(8) Whether the pursuit involved multiple law enforcement*
35 *agencies.*

36 *(9) How the pursuit was terminated.*

37 *(c) In order to minimize costs, the department, upon updating*
38 *the form, shall update the corresponding database to include all*
39 *of the reporting requirements specified in subdivision (b).*

1 *(d) All motor vehicle pursuit data obtained pursuant to*
2 *subdivision (b) shall be submitted to the Department of the*
3 *California Highway Patrol no later than 30 days following a*
4 *motor vehicle pursuit.*

5 ~~SEC. 7.~~

6 *SEC. 10.* Section 17004.7 of the Vehicle Code is amended to
7 read:

8 17004.7. (a) The immunity provided by this section is in
9 addition to any other immunity provided by law. A public agency
10 that employs peace officers to drive emergency vehicles and
11 authorizes vehicle pursuits shall develop, adopt, promulgate, and
12 provide regular and periodic training for those peace officers in
13 accordance with the agency's pursuit policy that meets the
14 guideline requirements set forth in Section 13519.8 of the Penal
15 Code.

16 (b) A public agency employing peace officers that adopts and
17 promulgates a written policy on, and provides regular and
18 periodic training for, vehicular pursuits complying with Section
19 ~~13519.8 of the Penal Code~~ is with subdivision (c) is immune
20 from liability for civil damages for personal injury to or death of
21 any person or damage to property resulting from the collision of
22 a vehicle being operated by an actual or suspected violator of the
23 law who is being, has been, or believes he or she is being or has
24 been, pursued by a peace officer employed by the public entity in
25 a motor vehicle.

26 ~~(e)~~

27 *(c) A policy for the safe conduct of motor vehicle pursuits by*
28 *peace officers shall meet all of the following minimum standards:*

29 *(1) Determine under what circumstances to initiate a pursuit.*
30 *The policy shall define a "pursuit," articulate the reasons for*
31 *which a pursuit is authorized, and identify the issues that should*
32 *be considered in reaching the decision to pursue. It should also*
33 *address the importance of protecting the public and balancing*
34 *the known or reasonably suspected offense, and the apparent*
35 *need for immediate capture against the risks to peace officers,*
36 *innocent motorists, and others to protect the public.*

37 *(2) Determine the total number of law enforcement vehicles*
38 *authorized to participate in a pursuit. Establish the authorized*
39 *number of law enforcement units and supervisors who may be*
40 *involved in a pursuit, describe the responsibility of each*

1 *authorized unit and the role of each peace officer and supervisor,*
2 *and specify if and when additional units are authorized.*

3 *(3) Determine the communication procedures to be followed*
4 *during a pursuit. Specify pursuit coordination and control*
5 *procedures and determine assignment of communications*
6 *responsibility by unit and organizational entity.*

7 *(4) Determine the role of the supervisor in managing and*
8 *controlling a pursuit. Supervisory responsibility shall include*
9 *management and control of a pursuit, assessment of risk factors*
10 *associated with a pursuit, and when to terminate a pursuit.*

11 *(5) Determine driving tactics and the circumstances under*
12 *which the tactics may be appropriate.*

13 *(6) Determine authorized pursuit intervention tactics. Pursuit*
14 *intervention tactics include, but are not limited to, blocking,*
15 *ramming, boxing, and roadblock procedures. The policy shall*
16 *specify under what circumstances and conditions each approved*
17 *tactic is authorized to be used.*

18 *(7) Determine the factors to be considered by a peace officer*
19 *and supervisor in determining speeds throughout a pursuit.*
20 *Evaluation shall take into consideration public safety, peace*
21 *officer safety, and safety of the occupants in a fleeing vehicle.*

22 *(8) Determine the role of air support, where available. Air*
23 *support shall include coordinating the activities of resources on*
24 *the ground, reporting on the progress of a pursuit, and providing*
25 *peace officers and supervisors with information to evaluate*
26 *whether or not to continue the pursuit.*

27 *(9) Determine when to terminate or discontinue a pursuit.*
28 *Factors to be considered include, but are not limited to, all of the*
29 *following:*

30 *(A) Ongoing evaluation of risk to the public or pursuing peace*
31 *officer.*

32 *(B) The protection of the public, given the known or*
33 *reasonably suspected offense and apparent need for immediate*
34 *capture against the risks to the public and peace officers.*

35 *(C) Vehicular or pedestrian traffic safety and volume.*

36 *(D) Weather conditions.*

37 *(E) Traffic conditions.*

38 *(F) Speeds.*

39 *(G) Availability of air support.*

1 (H) Procedures when an offender is identified and may be
2 apprehended at a later time or when the location of the pursuit
3 vehicle is no longer known.

4 (10) Determine procedures for apprehending an offender
5 following a pursuit. Safety of the public and peace officers during
6 the law enforcement effort to capture an offender shall be an
7 important factor.

8 (11) Determine effective coordination, management, and
9 control of interjurisdictional pursuits. The policy shall include,
10 but shall not be limited to, all of the following:

11 (A) Supervisory control and management of a pursuit that
12 enters another jurisdiction.

13 (B) Communications and notifications among the agencies
14 involved.

15 (C) Involvement in another jurisdiction's pursuit.

16 (D) Roles and responsibilities of units and coordination,
17 management, and control at the termination of an
18 interjurisdictional pursuit.

19 (12) Reporting and post-pursuit analysis as required by
20 Section 14602.1. Establish the level and procedures of
21 post-pursuit analysis, review, and feedback. Establish procedures
22 for written post-pursuit review and followup.

23 (d) The requirements of subdivision (c) represent minimum
24 policy standards and do not limit an agency from adopting
25 additional policy requirements. The requirements in subdivision
26 (c) are consistent with the 1995 California Law Enforcement
27 Vehicle Pursuit Guidelines developed by the Commission on
28 Peace Officer Standards and Training pursuant to Section
29 13519.8 of the Penal Code that will assist agencies in the
30 development of their pursuit policies. Nothing in this section
31 precludes the adoption of a policy that limits or restricts pursuit.

32 (e) A determination of whether a public agency has complied
33 with subdivision (b) (c) is a question of law for the court.

34 ~~SEC. 8. Section 14602.1 of the Vehicle Code is repealed.~~

35 ~~SEC. 9. Section 14602.1 is added to the Vehicle Code, to~~
36 ~~read:~~

37 ~~14602.1. (a) The Department of the California Highway~~
38 ~~Patrol shall develop a standard police pursuit reporting form for~~
39 ~~uniform reporting of all vehicle pursuit data by state and local~~
40 ~~law enforcement agencies, including, but not limited to, city~~

1 ~~police departments, county sheriffs' offices, and the California~~
2 ~~Highway Patrol.~~

3 ~~(b) The form shall require the reporting of all vehicle pursuit~~
4 ~~data, that shall include, but is not limited to, all of the following:~~

5 ~~(1) The violations that caused the pursuit to be initiated.~~

6 ~~(2) The identity of the officer who is involved in the pursuit.~~

7 ~~(3) The means and methods used to stop the suspect who was~~
8 ~~being pursued.~~

9 ~~(4) The charges filed with the court by the district attorney.~~

10 ~~(5) The conditions of the pursuit, for example, the traffic~~
11 ~~condition, the time of day, the weather conditions, the vehicle~~
12 ~~speeds, the number of peace officers involved, and the number of~~
13 ~~law enforcement motor vehicles involved.~~

14 ~~(6) Whether a pursuit resulted in a collision, property damage,~~
15 ~~injury or fatality, to any person involved in the pursuit, including~~
16 ~~the fleeing suspect and his or her passenger or passengers, or to~~
17 ~~the pursuing officers.~~

18 ~~(7) Whether an uninvolved third party was injured or killed as~~
19 ~~a result of a pursuit or subsequent car accident.~~

20 ~~(8) If personnel or motor vehicles from other law enforcement~~
21 ~~agencies assisted in the pursuit, the number of personnel and the~~
22 ~~number of motor vehicles from those agencies that responded.~~

23 ~~(9) The role that an assisting law enforcement agency played~~
24 ~~in the pursuit.~~

25 ~~(e) Each state and local law enforcement agency, including,~~
26 ~~but not limited to, city police departments, county sheriffs'~~
27 ~~offices, and the California Highway Patrol, shall report to the~~
28 ~~Department of the California Highway Patrol, on a form~~
29 ~~described in subdivision (a), all vehicle pursuit data required~~
30 ~~under subdivision (b), no later than 30 days following a police~~
31 ~~pursuit.~~

32 ~~SEC. 10. If the Commission on State Mandates determines~~
33 ~~that this act contains costs mandated by the state, reimbursement~~
34 ~~to local agencies and school districts for those costs shall be~~
35 ~~made pursuant to Part 7 (commencing with Section 17500) of~~
36 ~~Division 4 of Title 2 of the Government Code.~~

37 ~~SEC. 11. No reimbursement is required by this act pursuant~~
38 ~~to Section 6 of Article XIII B of the California Constitution for~~
39 ~~certain costs that may be incurred by a local agency or school~~
40 ~~district because, in that regard, this act creates a new crime or~~

1 *infraction, eliminates a crime or infraction, or changes the*
2 *penalty for a crime or infraction, within the meaning of Section*
3 *17556 of the Government Code, or changes the definition of a*
4 *crime within the meaning of Section 6 of Article XIII B of the*
5 *California Constitution.*

6 *However, if the Commission on State Mandates determines that*
7 *this act contains other costs mandated by the state,*
8 *reimbursement to local agencies and school districts for those*
9 *costs shall be made pursuant to Part 7 (commencing with Section*
10 *17500) of Division 4 of Title 2 of the Government Code.*